

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Rejections under 35 USC § 112

The rejection of claim 17 is traversed in that the claimed shoulder is shown in the originally filed drawings. Inasmuch as the drawings form part of the originally specification the claimed feature is in fact shown and supported for the sake of claiming. To clarify issues, the written description has been amended, based on the drawings, to disclose the shoulder. Attention is also called to the Exhibit B submitted with the last response. It appears in public pair, however it is noted that the instant rejection makes no acknowledgement of the same. No new matter is introduced.

Rejections under 35 USC § 103

The rejection of claims 1-8, 10-11 and 13-21 under 35 USC § 103(a) as being unpatentable over Parish (US 5,156,250) in view of Vogt (US 5,566,809), is traversed.

In order to establish a *prima facie* case of obviousness, it is necessary to show that the hypothetical person of ordinary skill would, without any knowledge of the claimed subject matter and without any inventive activity, be motivated to arrive at the claimed subject matter given the guidance of the cited references when each is fully considered as statutorily required.

The rejection first fails because the hypothetical person of ordinary skill would not be able to arrive at the claimed invention when the teachings of each are considered as whole (statutorily required).

Parish discloses a device which can be used with any vending machine – the reason being that is not within the machine but added so that it projects out of the device and thus avoids consuming any internal space – see Fig. 1. Note that the liquid diverter arrangement is clearly

shown extending outside vending machine into the space in front of the vending machine. Also note the absence of any collection arrangement below the outwardly projecting diverter.

This "add on to the exterior" of the device, permits the intended adaptation to any machine. Indeed, internal disposition would almost certainly defeat the chance of this arrangement being disposed with any vending machine due to the inevitable reconfiguration of the interior of the machine that would necessarily result. Viz., at the very least, the reader would have to be moved back further into the device and rearrangement of the remainder of the associated mechanism likewise would require rearrangement if not redesigned due to the new logistics.

In the Parish arrangement, the liquid or whatever is inappropriately inserted into the aperture 56, is permitted to fall out of the bottom of the arrangement. While this may not be convenient/tidy in some situations, the liquid/material which will obviously collect on the floor in front of the machine will advantageously enable anyone in the vicinity to be immediately made aware of the inappropriate action/vandalism actions and therefore assist in the apprehending of the felon(s). The inventors named on the Parish reference are not to be taken as fools and should not be taken as having inadvertently overlooked the need for collection. That is to say, the absence of any deliberate collection it must be taken as being an intentional omission and therefore done by design.

In light of the external disposition which is needed to enable the disposition of the Parish arrangement on any vending machine, it is not seen that a collection arrangement such as found in Vogt would be considered by the hypothetical person of ordinary skill. Indeed, as mentioned above, the mess on the floor in front of the machine would be a dead give away to the act of vandalism and short of hanging a bucket on the projecting arrangement of Parish, it not seen that the collection arrangement of Vogt would be given any thought whatsoever. Further, the collection structures which are used in Vogt, are within the vending machine and additionally below the validator 120. Not only that, but Vogt appears to suggest that the liquid in Vogt is actually permitted to enter the validator and then drain out from its interior. This is diametrically different from the Parish arrangement wherein the liquid or the like is never permitted to enter machine and is intended to cause drainage drain upstream of the mouth/entry of the reader/validating apparatus thus preventing any damage of the same.

A resolution of the difference in draining positions/concepts cannot be reached given the teachings of the two references. Indeed, nothing in the rejection takes these fundamental draining position differences into account nor deals with the manner/structure via which the drainage from the validator *per se* is actually facilitated in the Vogt arrangement. Indeed, the Vogt reference appears to be silent with respect to this issue. This leaves the hypothetical person of ordinary skill wanting for suggestion relating to this issue.

Any consideration of combining the teachings of Parish and Vogt would not be made for at least the above reasons. Any attempt to adapt/transfer teachings of the Vogt arrangement to Parish, would more than likely lead to the situation wherein the intention of Parish to permit the disclosed device to be applied to any vending machine would be dashed. The simplicity of the arrangement would also be lost in addition to its utility to be used with any vending machine.

While these problem would be possibly specific to the arrangement illustrated in Parish, it is without question that some form of redesign of the machine to which the housing 40 of Parish was connected would be necessary in order for the drainage bits and pieces of Vogt to be added and permit gravity to carry the liquid away to a storage vessel or container. As a result any thought of using the drainage arrangement of Vogt in Parish would not occur for at least this reason. Again, it is submitted that the ease of disposition of the Parish arrangement to any vending machine would be interfered with and clearly would result in difficulties with the embodiment shown in Fig. 1 of this reference.

If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). M.P.E.P. § 2143.01.

In connection with the rejection of claim 16, for example, it is advanced that it providing a container with narrow opening will prevent liquid from splashing out of the container. However, this position appears to be in contrast with the collection tray or catch pan – element 12 – which is cited as being a container for the sake of rejection (page 12 of the Office Action). It thus appears that the examiner's cited art leads away from the position taken in this particular instance.

It is further submitted that the gaming machine according to the claimed subject matter has a configuration, in which the bill guide plate is provided on the upper part of the operating part installed on the door, and the upper part of the operating part is open, so that bills can be pressed down into position and then fed into the bill validator by one hand. It submitted that this configuration has advantages over the configuration as disclosed in Parish and Vogt, in that the upper part of the operating part is open.

Since the open upper part is installed the outside of the bill validator, the shape of the bill guide plate needs to be in the form of a tray, thereby allowing the bill guide plate to become contaminated/soiled by liquid such as drinking liquid and foreign matter such as tobacco ash/food. Thus, an object of the present is to provide the gaming machine with the bill guide plate configured to be easily cleaned after the bill guide plate is contaminated by liquid and foreign matter. Therefore, the object of the present invention is submitted as being unobvious by one of ordinary skill in the art over the combination of Parish and Vogt.

The bill guide plate of the machine according to Vogt is installed inside of the bill validator, unlike the present invention. Parish, on the other hand, discloses the configuration of the bill guide plate to completely prevent liquid from entering inside of the machine. However, even then with the configuration as disclosed by Parish, foreign matter such as tobacco ash and food will enter and become attached in the bill guide plate. In this case, it is necessary to open the door of the machine so as to disconnect the bill guide plate from the bill validator, in order to remove the foreign matter and clean the bill guide plate.

According to the claimed subject matter, the bill guide plate is provided on an exposed upper part of the operating part installed on the front part of the door, while the bill validator is provided within the body of the gaming machine. Accordingly, it is unnecessary to open the door when the bill guide plate requires cleaning. In addition, the bill guide plate in the gaming machine of the present invention is provided outside of the bill validator, so that attached foreign matter is effectively prevented from entering the bill validator (consisting of sensitive electrical components) when the bill guide plate is dismounted from the door for the purpose of cleaning.

Furthermore, Vogt discloses that the machine is provided with the configuration to protect the area between the bill validator and the coin changer from liquid entering via the bill

guide. However, it is possible have foreign matter such as tobacco ash and food become attached to the bill guide plate. Vogt does not disclose the configuration of the bill guide plate *per se*, and thus it is not clear whether or not the bill guide plate of Vogt is can in fact be dismounted at all for the purpose of cleaning.

Therefore, Applicants submit that the present invention exhibits an inventive step over Parish and Vogt because the bill guide plate can be dismounted without opening the door when foreign matter as well as liquid is removed from the bill guide plate, in order to prevent the foreign matter and liquid from entering to electrical components of the machine, according to the present invention.

Additionally, unlike Applicant's copending application 10/696,594, the present invention claims a feature in which a container for correcting liquid and foreign matter entered from the bill guide plate is mounted on the rear face of the door. The examiner asserts that Vogt discloses the container is detachably mounted to the rear face of the door by using fasteners because the container is located at the front portion of the machine.

However, according to the location of the bill guide plate disclosed in Vogt, it is clear that the locations of the fasteners are situated on the rear side of the machine. The assertion of the examiner that the container is mounted on the rear face of the door is therefore incorrect.

The container disclosed in Vogt is mounted between the bill validator (120) and the coin changer (130) and collects liquid entered from the bill guide plate. The container (catch pan 12) is provided with a spout at its bottom to let liquid flow to the outside of the machine along conduit 34. However, Vogt does not specifically disclose how the liquid is finally collected or how it is disposed of.

In the light of the above, it is submitted that the claimed invention exhibits an inventive step over the combination of Parish and Vogt because in addition, a bottle detachably mounted on the rear face of the door can store liquid and foreign matter as a collecting container, whereby liquid collected in the bottle can be moved away from the machine and disposed without contaminating nearby devices simply by detaching the bottle from the door.

Double Patenting

The double patenting rejection is provisionally traversed. It is not until one of the applications has issued that the claims can be effectively compared and the need for the filing of a terminal disclaimer be determined. In addition, there are differences between the arrangements claimed in the copending applications in question, as noted above. Further, it is not clear that a combination of 10/696,594 with Vogt would be tenable for at least the reasons advance above with respect to the manner in which the liquid appears to be intentionally passed through the bill valuator 120 before being drained away via the catch pan. Further, there is no disclosure in Vogt as to how the device could be cleaned to remove contaminants other than liquids.

New Claims


In this response, new claims 22-24 are been presented for examination. These newly presented claims further clarify the structure for which protection is sought and a find full support in the originally filed specification and drawings. The define subject matter which is patentable over the art cited. For example, newly presented claim 23 is such as to call for the upper side of the bill guide plate to be constantly exposed and uncovered so that a bill can be pressed directly down into engagement therewith. Clearly, neither of the cited references can be relied upon to disclose such a structure. Claim 24, on the other hand, calls for the container to be bottle-shaped. This distinguishes over the catch pan disclosed in Vogt and the container free arrangement of Parish.

Conclusion

It is respectfully submitted that the claims as they have been amended are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP


Benjamin J. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: June 12, 2008
BJH:KT/mps